

February 21, 2003

Public Information and Records  
Integrity Branch (PIRIB)  
Office of Pesticide Programs (OPP)  
Environmental Protection Agency (7502C)  
1200 Pennsylvania Ave., NW.  
Washington, DC 20460-0001  
Attention: Docket ID Number OPP-2003-0010

Email: [opp-docket@epa.gov](mailto:opp-docket@epa.gov) Attention: Docket ID Number OPP-2003-0010

**RE: Request for Public Comment on Advanced Notice of Proposed Rulemaking to promulgate "counterpart regulations" under the Endangered Species Act (ESA). 68 FR 3785, 1/24/03; Docket ID No. OPP-2003-0010**

Dear Sir/Madam,

Thank you for the opportunity to submit comments on the Advanced Notice of Proposed Rulemaking (ANPR) to promulgate "counterpart regulations" under the Endangered Species Act (ESA). I am an apple grower in Washington state, farming on the bank of the Columbia River and very close to the shores of Lake Chelan.

I am aware of the many lawsuits that have been filed against the EPA over the past several years dealing with the Endangered Species Act. In my farming operations it is critical that I have the ability to control the many pests and weeds that affect the crops that I grow. Apple production is being threatened by codling moth infestation. We cannot loose any tools for codling moth control. Apple growing, for the past several years, has been unprofitable. If I were to lose the ability to use key products, I would unable to continue to farm. EPA needs to finalize the counterpart regulations and ensure the efficient and timely registration and reregistration of safe and effective agricultural products, in addition to the protection of endangered and threatened species and their habitats. Without a reasonable process at the federal level you are leaving me vulnerable to unreasonable regulations and possibly lawsuits.

I urge EPA to finalize the counterpart regulations and use the best available science in making their decisions on the this issue,

Sincerely,  
Tom Auvil  
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[tauvil@nwi.net](mailto:tauvil@nwi.net)